

1           **SECTION 139.** 227.137 (2) of the statutes is amended to read:

2           227.137 (2) An agency shall prepare an economic impact analysis for a  
3 proposed rule before submitting the proposed rule to the legislative council staff  
4 under s. 227.15. Prior to preparing an economic impact analysis as provided in this  
5 subsection, the agency shall review the statement of scope for the proposed rule  
6 prepared under s. 227.135 to determine whether a revised statement of scope is  
7 required under s. 227.135 (4).

8           **SECTION 140.** 227.137 (2m) of the statutes is created to read:

9           227.137 (2m) An agency's economic impact analysis under sub. (2) or revised  
10 economic impact analysis under sub. (4) shall be prepared and submitted separately  
11 from any fiscal estimate or revised fiscal estimate prepared and submitted under s.  
12 227.14 (4) (a) or (d).

13           **SECTION 141.** 227.137 (3) (e) of the statutes is renumbered 227.137 (3) (e)  
14 (intro.) and amended to read:

15           227.137 (3) (e) (intro.) A determination made in consultation with the  
16 businesses, local governmental units, and individuals that may be affected by the  
17 proposed rule as to whether the proposed rule would adversely affect in a material  
18 way the economy, a sector of the economy, productivity, jobs, or the overall economic  
19 competitiveness of this state. The agency shall make the determination required  
20 under this paragraph by doing all of the following:

21           **SECTION 142.** 227.137 (3) (e) 1. to 4. of the statutes are created to read:

22           227.137 (3) (e) 1. Compiling a list of affected persons and potential economic  
23 concerns identified in the comments solicited by the agency.

24           2. Contacting affected persons to discuss economic concerns.

25           3. Considering any raised concerns in drafting the economic impact analysis.

1           4. Documenting in the economic impact analysis the persons who were  
2       consulted and whether the agency's determination is disputed by any of the affected  
3       persons.

4           **SECTION 143.** 227.137 (3m) of the statutes is created to read:

5           227.137 (3m) (a) When soliciting comments under sub. (3) for an economic  
6       impact analysis, an agency shall accept comments for a period of at least 14 calendar  
7       days if, under s. 227.135 (1) (g), the statement of scope for the proposed rule indicates  
8       that the proposed rule will have minimal or no economic impact, at least 30 calendar  
9       days if it indicates a moderate economic impact, and at least 60 calendar days if it  
10      indicates a significant economic impact or if the agency anticipates that the proposed  
11      rule will result in \$10,000,000 or more in implementation and compliance costs being  
12      incurred by or passed along to businesses, local governmental units, and individuals  
13      over any 2-year period. If the agency subsequently determines that the anticipated  
14      economic impact will be greater than indicated in the statement of scope, the agency  
15      shall adjust the comment period accordingly. An agency may not reduce a comment  
16      period once determined under this subsection.

17           (b) This subsection does not apply to a person preparing an independent  
18      economic impact analysis under sub. (4m).

19           **SECTION 144.** 227.137 (4) of the statutes is amended to read:

20           227.137 (4) On the same day that the agency submits the economic impact  
21      analysis to the legislative council staff under s. 227.15 (1), the agency shall also  
22      submit that analysis to the department of administration, to the governor, and to the  
23      chief clerks of each house of the legislature, who shall distribute the analysis to the  
24      presiding officers of their respective houses, to the chairpersons of the appropriate  
25      standing committees of their respective houses, as designated by those presiding

1 officers, and to the cochairpersons of the joint committee for review of administrative  
2 rules. If a proposed rule is modified after the economic impact analysis is submitted  
3 under this subsection so that the economic impact of the proposed rule is  
4 significantly changed, the agency shall prepare a revised economic impact analysis  
5 for the proposed rule as modified. For purposes of this subsection, a significant  
6 change includes an increase or a decrease of at least 10 percent or \$50,000, whichever  
7 is greater, in the expected implementation and compliance costs reasonably expected  
8 to be incurred by or passed along to a majority of the businesses, local governmental  
9 units, and individuals as a result of the proposed rule, as identified under sub. (3) (b),  
10 or a significant change in the persons expected to be affected by the proposed rule.

11 A revised economic impact analysis shall be prepared and submitted in the same  
12 manner as an original economic impact analysis is prepared and submitted.

13 **SECTION 145.** 227.138 (1) (intro.) of the statutes is renumbered 227.138 (1) and  
14 amended to read:

15 227.138 (1) The joint committee for review of administrative rules may direct  
16 an agency to prepare a retrospective economic impact analysis for any of an agency's  
17 rules that are published in the code. The committee may identify one or more specific  
18 chapters, sections, or other subunits in the code that are administered by the agency  
19 as the rules that are to be the subject of the analysis and may specify a deadline for  
20 the preparation of the analysis.

21 **(1r)** A retrospective economic impact analysis shall contain information on the  
22 economic effect of the rules on specific businesses, business sectors, public utility  
23 ratepayers, local governmental units, and the state's economy as a whole. When  
24 preparing the analysis, the agency or person preparing the analysis shall solicit  
25 information and advice from businesses, associations representing businesses, local

1 governmental units, and individuals that have been affected by the rules. The  
2 agency or person shall prepare the retrospective economic impact analysis in  
3 coordination with local governmental units that have been affected by the rules. The  
4 agency or person may request information that is reasonably necessary for the  
5 preparation of a retrospective economic impact analysis from other businesses,  
6 associations, local governmental units, and individuals and from other agencies.  
7 The retrospective economic impact analysis shall include all of the following:

8 **SECTION 146.** 227.138 (1) (a) to (h) of the statutes are renumbered 227.138 (1r)  
9 (a) to (h).

10 **SECTION 147.** 227.138 (1g) of the statutes is created to read:

11 227.138 (1g) Within 90 days after an agency submits a retrospective economic  
12 impact analysis under sub. (2), either cochairperson of the joint committee for review  
13 of administrative rules may request an independent retrospective economic impact  
14 analysis to be prepared using the same procedure and payment methods described  
15 under s. 227.137 (4m) (am) and (b). A person preparing an independent retrospective  
16 economic impact analysis under this subsection shall prepare the independent  
17 retrospective economic impact analysis for the same rules that were the subject of  
18 the agency's analysis under sub. (1) and shall include the information that is  
19 required under sub. (1r).

20 **SECTION 148.** 227.138 (2) of the statutes is amended to read:

21 227.138 (2) An agency or person that prepares a retrospective economic impact  
22 analysis under sub. (1) or (1g) shall submit that analysis to the department of  
23 administration, to the governor, and to the chief clerks of each house of the  
24 legislature, who shall distribute the analysis to the presiding officers of their  
25 respective houses, to the chairpersons of the appropriate standing committees of

**SECTION 148**

1 their respective houses, as designated by those presiding officers, and to the  
2 cochairpersons of the joint committee for review of administrative rules. The agency  
3 or person shall also send an electronic copy of the analysis to the legislative reference  
4 bureau, in a format approved by the legislative reference bureau, for publication in  
5 the register.

6 **SECTION 149.** 227.18 (3m) of the statutes is created to read:

7 227.18 (3m) If, after holding a hearing under this section, an agency makes any  
8 changes to the proposed rule, the agency shall do all of the following:

9 (a) Review the statement of scope of the proposed rule prepared under s.  
10 227.135 to determine whether a revised statement of scope is required under s.  
11 227.135 (4).

12 (b) Review the economic impact analysis for the proposed rule prepared under  
13 s. 227.137 to determine whether a revised economic impact analysis is required  
14 under s. 227.137 (4).

15 **SECTION 150.** 227.185 of the statutes is amended to read:

16 **227.185 Approval by governor.** After a proposed rule is in final draft form,  
17 the agency shall submit the proposed rule to the governor for approval. The governor,  
18 in his or her discretion, may approve or reject the proposed rule. If the governor  
19 approves a proposed rule, the governor shall provide the agency with a written notice  
20 of that approval. No proposed rule may be submitted to the legislature for review  
21 under s. 227.19 (2) unless the governor has approved the proposed rule in writing.  
22 The agency shall notify the joint committee for review of administrative rules  
23 whenever it submits a proposed rule for approval under this section. This section  
24 does not apply to proposed rules prepared by the department of public instruction.

25 **SECTION 151.** 227.20 (3) (a) of the statutes is amended to read:

1           227.20 (3) (a) That the rule was duly promulgated by the agency.

2           **SECTION 152.** 227.20 (3) (c) of the statutes is repealed.

3           **SECTION 153.** 227.24 (1) (e) 1d. of the statutes is amended to read:

4           227.24 (1) (e) 1d. Prepare a statement of the scope of the proposed emergency  
5 rule as provided in s. 227.135 (1), obtain approval of the statement as provided in s.  
6 227.135 (2), send the statement to the legislative reference bureau for publication in  
7 the register as provided in s. 227.135 (3), and hold a preliminary public hearing and  
8 comment period if directed under s. 227.136 (1). If the agency changes the scope of  
9 a proposed emergency rule as described in s. 227.135 (4), the agency shall prepare  
10 and obtain approval of a revised statement of the scope of the proposed emergency  
11 rule as provided in s. 227.135 (4). No state employee or official may perform any  
12 activity in connection with the drafting of a proposed emergency rule, except for an  
13 activity necessary to prepare the statement of the scope of the proposed emergency  
14 rule, until the governor approves the statement, if such approval is required, and the  
15 individual or body with policy-making powers over the subject matter of the  
16 proposed emergency rule ~~approve~~ approves the statement.

17           **SECTION 154.** 227.24 (1) (e) 1g. of the statutes is amended to read:

18           227.24 (1) (e) 1g. Submit the proposed emergency rule in final draft form to the  
19 governor for approval. The governor, in his or her discretion, may approve or reject  
20 the proposed emergency rule. If the governor approves a proposed emergency rule,  
21 the governor shall provide the agency with a written notice of that approval. An  
22 agency may not file an emergency rule with the legislative reference bureau as  
23 provided in s. 227.20 and an emergency rule may not be published until the governor  
24 approves the emergency rule in writing. This subdivision does not apply to proposed  
25 emergency rules of the department of public instruction.

1           **SECTION 155.** 227.26 (2) (im) of the statutes is created to read:

2           227.26 (2) (im) *Multiple suspensions.* Notwithstanding pars. (i) and (j), the  
3 committee may act to suspend a rule as provided under this subsection multiple  
4 times.

5           **SECTION 156.** 227.40 (1) of the statutes is amended to read:

6           227.40 (1) Except as provided in sub. (2), the exclusive means of judicial review  
7 of the validity of a rule or guidance document shall be an action for declaratory  
8 judgment as to the validity of the rule or guidance document brought in the circuit  
9 court for the county where the party asserting the invalidity of the rule or guidance  
10 document resides or has its principal place of business or, if that party is a  
11 nonresident or does not have its principal place of business in this state, in the circuit  
12 court for the county where the dispute arose. The officer or other agency whose rule  
13 or guidance document is involved shall be the party defendant. The summons in the  
14 action shall be served as provided in s. 801.11 (3) and by delivering a copy to that  
15 officer or, if the agency is composed of more than one person, to the secretary or clerk  
16 of the agency or to any member of the agency. The court shall render a declaratory  
17 judgment in the action only when it appears from the complaint and the supporting  
18 evidence that the rule or guidance document or its threatened application interferes  
19 with or impairs, or threatens to interfere with or impair, the legal rights and  
20 privileges of the plaintiff. A declaratory judgment may be rendered whether or not  
21 the plaintiff has first requested the agency to pass upon the validity of the rule or  
22 guidance document in question.

23           **SECTION 157.** 227.40 (2) (intro.) of the statutes is amended to read:

24           227.40 (2) (intro.) The validity of a rule or guidance document may be  
25 determined in any of the following judicial proceedings when material therein:

1           **SECTION 158.** 227.40 (2) (e) of the statutes is amended to read:

2           227.40 (2) (e) Proceedings under s. 66.191, 1981 stats., or s. 40.65 (2), 106.50,  
3           106.52, 303.07 (7) or 303.21 or ss. 227.52 to 227.58 or under ch. 102, 108 or 949 for  
4           review of decisions and orders of administrative agencies if the validity of the rule  
5           or guidance document involved was duly challenged in the proceeding before the  
6           agency in which the order or decision sought to be reviewed was made or entered.

7           **SECTION 159.** 227.40 (3) (intro.) of the statutes is renumbered 227.40 (3) (ag)  
8           and amended to read:

9           227.40 (3) (ag) In any judicial proceeding other than one set-out-above under  
10          sub. (1) or (2), in which the invalidity of a rule or guidance document is material to  
11          the cause of action or any defense thereto, the assertion of ~~such~~ that invalidity shall  
12          be set forth in the pleading of the party ~~so~~ maintaining the invalidity of ~~such~~ the rule  
13          or guidance document in that proceeding. The party ~~so~~ asserting the invalidity of  
14          ~~such~~ the rule or guidance document shall, within 30 days after the service of the  
15          pleading in which the party sets forth ~~such~~ the invalidity, apply to the court in which  
16          ~~such~~ the proceedings are had for an order suspending the trial of said the proceeding  
17          until after a determination of the validity of said the rule or guidance document in  
18          an action for declaratory judgment under sub. (1) hereof.

19          **SECTION 160.** 227.40 (3) (a) of the statutes is renumbered 227.40 (3) (ar) and  
20          amended to read:

21          227.40 (3) (ar) Upon the hearing of ~~such~~ the application, if the court is satisfied  
22          that the validity of ~~such~~ the rule or guidance document is material to the issues of  
23          the case, an order shall be entered staying the trial of said proceeding until the  
24          rendition of a final declaratory judgment in proceedings to be instituted forthwith  
25          by the party asserting the invalidity of ~~such~~ the rule or guidance document. If the



**SECTION 160**

1 court ~~shall find~~ finds that the asserted invalidity of a the rule or guidance document  
2 is not material to the case, an order shall be entered denying the application for stay.

3 **SECTION 161.** 227.40 (3) (b) and (c) of the statutes are amended to read:

4 227.40 (3) (b) Upon the entry of a final order in said the declaratory judgment  
5 action, it shall be the duty of the party who asserts the invalidity of the rule or  
6 guidance document to formally advise the court of the outcome of the declaratory  
7 judgment action so brought as ordered by the court. After the final disposition of the  
8 declaratory judgment action the court shall be bound by and apply the judgment so  
9 entered in the trial of the proceeding in which the invalidity of the rule or guidance  
10 document is asserted.

11 (c) Failure to set forth the invalidity of a rule or guidance document in a  
12 pleading or to commence a declaratory judgment proceeding within a reasonable  
13 time pursuant to ~~such~~ the order of the court or to prosecute ~~such~~ the declaratory  
14 judgment action without undue delay shall preclude ~~such~~ the party from asserting  
15 or maintaining ~~such~~ that the rule or guidance document is invalid.

16 **SECTION 162.** 227.40 (4) (a) of the statutes is amended to read:

17 227.40 (4) (a) In any proceeding pursuant to this section for judicial review of  
18 a rule or guidance document, the court shall declare the rule or guidance document  
19 invalid if it finds that it violates constitutional provisions or exceeds the statutory  
20 authority of the agency or was promulgated or adopted without compliance with  
21 statutory rule-making or adoption procedures.

22 **SECTION 163.** 227.40 (6) of the statutes is amended to read:

23 227.40 (6) Upon entry of a final order in a declaratory judgment action under  
24 sub. (1) with respect to a rule, the court shall send an electronic notice to the  
25 legislative reference bureau of the court's determination as to the validity or

1     invalidity of the rule, in a format approved by the legislative reference bureau, and  
2     the legislative reference bureau shall publish a notice of that determination in the  
3     Wisconsin administrative register under s. 35.93 (2) and insert an annotation of that  
4     determination in the Wisconsin administrative code under s. 13.92 (4) (a).

5           **SECTION 164.** 227.46 (1) (h) of the statutes is amended to read:

6           227.46 (1) (h) ~~Make or recommend~~ Recommend findings of fact, conclusions of  
7     law and decisions to the extent permitted by law.

8           **SECTION 165.** 227.46 (2) of the statutes is amended to read:

9           227.46 (2) Except as provided in sub. (2m) and s. 227.47 (2), in any contested  
10     case which is a class 2 or class 3 proceeding, where a majority of the officials of the  
11     agency who are to render the final decision are not present for the hearing, the  
12     hearing examiner presiding at the hearing shall prepare a proposed decision,  
13     including findings of fact, conclusions of law, order and opinion, in a form that may  
14     be adopted by the agency as the final decision in the case under s. 227.47 (3). The  
15     proposed decision shall be a part of the record and shall be served by the agency on  
16     all parties. Each party adversely affected by the proposed decision shall be given an  
17     opportunity to file objections to the proposed decision, briefly stating the reasons and  
18     authorities for each objection, and to argue with respect to them before the officials  
19     who are to participate in the decision. The agency may direct whether such  
20     argument shall be written or oral. If an agency's decision varies in any respect from  
21     the proposed decision of the hearing examiner, the agency's decision shall include an  
22     explanation of the basis for each variance.

23           **SECTION 166.** 227.46 (2m) of the statutes is amended to read:

24           227.46 (2m) In any hearing or review assigned to a hearing examiner under  
25     s. 227.43 (1) (bg), the hearing examiner presiding at the hearing shall prepare a

**SECTION 166**

1 proposed decision, including findings of fact, conclusions of law, order and opinion,  
2 in a form that may be adopted by the agency as the final decision in the case under  
3 s. 227.47 (3). The proposed decision shall be a part of the record and shall be served  
4 by the division of hearings and appeals in the department of administration on all  
5 parties. Each party adversely affected by the proposed decision shall be given an  
6 opportunity to file objections to the proposed decision within 15 days, briefly stating  
7 the reasons and authorities for each objection, and to argue with respect to them  
8 before the administrator of the division of hearings and appeals. The administrator  
9 of the division of hearings and appeals may direct whether such argument shall be  
10 written or oral. If the decision of the administrator of the division of hearings and  
11 appeals varies in any respect from the proposed decision of the hearing examiner, the  
12 decision of the administrator of the division of hearings and appeals shall include an  
13 explanation of the basis for each variance. The decision of the administrator of the  
14 division of hearings and appeals is a final decision of the agency subject to judicial  
15 review under s. 227.52. The department of transportation may petition for judicial  
16 review.

17 **SECTION 167.** 227.46 (3) (a) of the statutes is repealed.

18 **SECTION 168.** 227.46 (8) of the statutes is repealed.

19 **SECTION 169.** 227.47 (1) of the statutes is amended to read:

20 227.47 (1) Except as provided in sub. (2), every proposed ~~or final~~ decision of an  
21 agency ~~or a~~ hearing examiner following a hearing and every final decision of an  
22 agency shall be in writing accompanied by findings of fact and conclusions of law.  
23 The findings of fact shall consist of a concise and separate statement of the ultimate  
24 conclusions upon each material issue of fact without recital of evidence. Every  
25 proposed or final decision shall include a list of the names and addresses of all

1 persons who appeared before the agency in the proceeding who are considered  
2 parties for purposes of review under s. 227.53. The agency shall by rule establish a  
3 procedure for determination of parties.

4 **SECTION 170.** 227.47 (3) of the statutes is created to read:

5 227.47 (3) Every final decision of an agency in a contested case shall be  
6 approved, signed, and dated by the agency head and shall include a signed  
7 certification stating as follows: "I hereby certify that this decision complies with the  
8 requirements of chapter 227 of the Wisconsin Statutes and constitutes the final  
9 agency action in this matter. I further certify that this decision contains no standard,  
10 requirement, or threshold that is not explicitly required or explicitly permitted by  
11 statute or a rule that has been lawfully promulgated and that this decision contains  
12 no standard, requirement, or threshold that is more restrictive than a standard,  
13 requirement, or threshold contained in the Wisconsin Statutes."

14 **SECTION 171.** 227.57 (11) of the statutes is amended to read:

15 227.57 (11) Upon review of an agency action or decision affecting a property  
16 owner's use of the property owner's property, the court shall accord no deference to  
17 the agency's interpretation of law if the agency action or decision restricts the  
18 property owner's free use of the property owner's property.

19 **SECTION 172.** 230.08 (2) (sb) of the statutes is repealed.

20 **SECTION 173.** 238.02 (1) of the statutes is amended to read:

21 238.02 (1) There is created an authority, which is a public body corporate and  
22 politic, to be known as the "Wisconsin Economic Development Corporation." The  
23 members of the board shall consist of 6 members nominated by the governor, and  
24 with the advice and consent of the senate appointed, to serve at the pleasure of the  
25 governor; ~~3~~ 5 members appointed by the speaker of the assembly, consisting of one

## SECTION 173

majority and one minority party representative to the assembly, appointed as are the members of standing committees in the assembly, and one person employed in the private sector, to serve at the speaker's pleasure; and 3 4-year terms; one member appointed by the minority leader of the assembly to serve a 4-year term; 5 members appointed by the senate majority leader, consisting of one majority and one minority party senator, appointed as are members of standing committees in the senate, and one person employed in the private sector, to serve at the majority leader's pleasure 4-year terms; and one member appointed by the minority leader of the senate to serve a 4-year term. The secretary of administration and the secretary of revenue shall also serve on the board as nonvoting members. The board shall elect a chairperson from among its nonlegislative voting members. A vacancy on the board shall be filled in the same manner as the original appointment to the board for the remainder of the unexpired term, if any.

SECTION 174. 238.02 (2) of the statutes is amended to read:

238.02 (2) A majority of the voting appointed members of the board currently serving constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, ~~notwithstanding the existence of any vacancies.~~ Action may be taken by the board upon a vote of a majority of the voting appointed members present.

SECTION 175. 238.02 (3) of the statutes is amended to read:

238.02 (3) A chief executive officer shall be nominated by the governor board, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor board. The board may delegate to the chief executive officer any powers and duties the board considers proper. The chief executive officer shall receive such compensation as may be determined by the board.

1           **SECTION 176.** 238.04 (15) of the statutes is created to read:

2           238.04 (15) Appoint and supervise the economic development liaison project  
3 position created in 2017 Wisconsin Act 58, section 61 (1).

4           **SECTION 177.** 238.399 (3) (a) of the statutes is amended to read:

5           238.399 (3) (a) The corporation may designate ~~not more than 30~~ any number  
6 of enterprise zones in this state.

7           **SECTION 178.** 238.399 (3) (am) of the statutes is created to read:

8           238.399 (3) (am) The corporation may not designate a new enterprise zone  
9 under par. (a) except as follows:

10           1. Before the corporation designates a new enterprise zone, the corporation  
11 shall notify the joint committee on finance in writing of the corporation's intention  
12 to designate a new enterprise zone. The notice shall describe the new zone and the  
13 purposes for which the corporation proposes to designate the new zone.

14           2. If, within 14 working days after the date of the corporation's notice under  
15 subd. 1., the cochairpersons of the joint committee on finance do not notify the  
16 corporation that the committee has scheduled a meeting to review the corporation's  
17 proposal, the corporation may designate the new enterprise zone as proposed in the  
18 corporation's notice. If, within 14 working days after the date of the corporation's  
19 notice under subd. 1., the cochairpersons of the committee notify the corporation that  
20 the committee has scheduled a meeting to review the corporation's proposal, the  
21 corporation may designate the new enterprise zone only upon approval of the  
22 committee.

23           **SECTION 179.** 238.399 (3) (e) of the statutes is repealed.

24           **SECTION 180.** 281.665 (5) (d) of the statutes is amended to read:

1           281.665 (5) (d) Notwithstanding pars. (a) to (c), during the 2017-19 and  
2           2019-21 fiscal ~~biennium~~ bienniums, the department shall consider an applicant to  
3           be eligible for a cost-sharing grant for a project under this section if the project is  
4           funded or executed in whole or in part by the U.S. army corps of engineers under 33  
5           USC 701s.

6           **SECTION 181.** 301.03 (16) of the statutes is created to read:

7           301.03 (16) At the request of the legislature, submit to the legislature under  
8           s. 13.172 (2) a report that includes the following information and post the report on  
9           the department's website:

10          (a) If, since the previous report was submitted or during a date range specified  
11          in the request, an individual was pardoned for a crime or was released from a term  
12          of imprisonment without completing his or her sentence, the name of the individual,  
13          the pertinent crime, and the name of the person who authorized the action.

14          (b) If an individual who appears on a report submitted under this subsection  
15          is convicted of a crime, the name of that individual and the crime for which he or she  
16          was convicted.

17          **SECTION 182.** 343.165 (8) of the statutes is created to read:

18          343.165 (8) Notwithstanding subs. (1) to (4), for an applicant requesting that  
19          an identification card be provided without charge for purposes of voting, all of the  
20          following apply:

21          (a) Except as provided in par. (b), if a person is unable to provide proof of name  
22          and date of birth, and the documents are unavailable to the person, the person may  
23          make a written petition to the department for an exception to the requirements of  
24          sub. (1) (a) or (b). The application shall include proof of identity and all of the  
25          following:

1           1. A certification of the person's name, date of birth, and current residence  
2 street address on the department's form.

3           2. An explanation of the circumstances by which the person is unable to provide  
4 proof of name and date of birth.

5           3. Whatever documentation is available that states the person's name and date  
6 of birth.

7           (b) 1. If a person applies for and requests an identification card without charge  
8 for the purposes of voting and the person's proof of name and date of birth or of proof  
9 of citizenship, legal permanent resident status, conditional resident status, or legal  
10 presence is unavailable, the person may make a written petition to the department  
11 for an exception to the requirement for which proof is unavailable. The department  
12 shall provide appropriate translation for any person who is unable to read or  
13 understand the petition process instructions and related communications under this  
14 subsection or s. 343.50 (1) (c) 2. The petition shall include the person's statement  
15 under oath or affirmation of all of the following:

16           a. That the person is unable to provide proof of name and date of birth or proof  
17 of citizenship, legal permanent resident status, conditional resident status, or legal  
18 presence.

19           b. That the documents are unavailable to the person.

20           c. His or her name, date of birth, place of birth, and such other birth record  
21 information requested by the department, or the person's alien or U.S. citizenship  
22 and immigration service number or U.S. citizenship certificate number.

23           2. Upon receiving a petition that meets the requirements under subd. 1., the  
24 department of transportation shall forward the petition to the central office of its  
25 division of motor vehicles for processing. The department of transportation shall



**SECTION 182**

1 provide the person's birth record information to the department of health services,  
2 for the sole purpose of verification by the department of health services of the  
3 person's birth certificate information or the equivalent document from another  
4 jurisdiction, other than a province of the Dominion of Canada, or to a federal agency  
5 for the sole purpose of verifying the person's certificate of birth abroad issued by the  
6 federal department of state, or of verifying the person's alien or U.S. citizenship and  
7 immigration service number or U.S. citizenship certificate number. The department  
8 of transportation shall open a file containing the petition and shall create therein a  
9 report with a dated record of events, including all communication to or with the  
10 applicant. The department of transportation may not complete processing of the  
11 application prior to receiving verification under this subdivision, except as provided  
12 in subd. 3.

13 3. If the department does not receive verification under subd. 2. within 30 days  
14 or receives notice under subd. 2. that the birth information provided in the  
15 application does not match that of the birth record custodian, the department shall  
16 promptly notify the person in writing of that failure to verify and request the person  
17 contact the department within 10 days. If the person does not respond within 10  
18 days, the department shall send the person a 2nd letter with substantially similar  
19 contents. If the person does not respond to the 2nd letter within 10 days and the  
20 department knows the person's telephone number, the department shall call the  
21 person on the telephone and notify the person that the birth information was not  
22 verified and request the person provide additional information within 10 days. If 30  
23 days have elapsed since the date of the first letter sent under this subdivision without  
24 contact from the person, the department shall suspend the investigation and send  
25 written notice that the person has not responded, that the department has no further

1 leads for it to locate or obtain secondary documentation or verification of birth  
2 information, that the department has suspended its investigation or research until  
3 such time as the person contacts the department, and that if within 180 days after  
4 the date of the written notice the person fails to contact the department the petition  
5 will be denied and no further identification card receipts will be issued under s.  
6 343.50 (1) (c) 2. If the person fails to contact the department within 180 days after  
7 the department suspends the investigation, the department shall deny the petition  
8 in writing and shall inform the person that the department will resume the  
9 investigation if the person contacts the department to discuss the petition.  
10 Whenever the applicant contacts the department to discuss the petition, the  
11 investigation under this subdivision shall begin anew, notwithstanding any prior  
12 denial due to the person's failure to timely respond. The applicant shall act in good  
13 faith and use reasonable efforts to provide additional information that could  
14 reasonably lead the department to discover correct birth information or secondary  
15 documentation as described in subd. 3g., to assist the department in processing the  
16 application. The department shall investigate the petition and any additional  
17 information provided under this subdivision with prompt and due diligence and shall  
18 use reasonable efforts to locate and obtain the secondary documentation by pursuing  
19 leads provided by the person. Investigations may only be completed within the  
20 division of motor vehicles' central office by employees whose regular job duties  
21 include investigation and fraud detection and prevention. If the investigation  
22 discovers new or corrected birth information, the department of transportation shall  
23 resubmit the new or corrected birth information to the department of health services  
24 for verification under subd. 2. The department of transportation shall pay any

1 actual, necessary fees required by the record custodian to obtain the secondary  
2 documentation.

3 3g. If the department of health services does not verify the birth record  
4 information within 30 days, the department of transportation may issue an  
5 identification card to the person only if the department of transportation receives  
6 verification under subd. 2., if the person provides proof of name and date of birth or  
7 proof of citizenship, legal permanent resident status, conditional resident status or  
8 legal presence, or if the department of transportation receives other secondary  
9 documentation acceptable to the department of transportation and deemed  
10 sufficient under subd. 3., which may include the following:

11 a. Baptismal certificate.

12 b. Hospital birth certificate.

13 c. Delayed birth certificate.

14 d. Census record.

15 e. Early school record.

16 f. Family Bible record.

17 g. Doctor's record of post-natal care.

18 h. Other documentation deemed acceptable to the department of  
19 transportation, within the department's reasonable discretion.

20 4. In this paragraph, "proof of citizenship, legal permanent resident status,  
21 conditional resident status or legal presence" means any of the following:

22 a. A U.S. state or local government issued certificate of birth.

23 b. Valid U.S. passport.

24 c. Valid foreign passport with appropriate immigration documents, which shall  
25 include or be accompanied by federal form I-94, arrival and departure record.

1 d. Certificate of U.S. citizenship.

2 e. A U.S. Certificate of naturalization.

3 f. Valid department of homeland security/U.S. citizenship and immigration  
4 services federal form I-551, resident alien registration receipt card, issued since  
5 1997.

6 g. Valid department of homeland security/U.S. citizenship and immigration  
7 services federal form I-688, temporary resident identification card.

8 h. Valid department of homeland security/U.S. citizenship and immigration  
9 services federal form I-688B or I-766, employment authorization document.

10 i. Valid department of homeland security/U.S. citizenship and immigration  
11 services federal form I-571, refugee travel document.

12 j. Department of homeland security/U.S. citizenship and immigration services  
13 federal form I-797, notice of action.

14 k. Department of homeland security/transportation security administration  
15 transportation worker identification credential.

16 L. A U.S. department of state reception and placement program assurance  
17 form (refugee version), which shall include or be accompanied by federal form I-94,  
18 arrival and departure record.

19 m. Documentary proof specified in s. 343.14 (2) (es), that is approved by the  
20 appropriate federal authority.

21 5. In this paragraph, "proof of identity" means a supporting document  
22 identifying the person by name and bearing the person's signature, a reproduction  
23 of the person's signature, or a photograph of the person. Acceptable supporting  
24 documents include:

1           a. A valid operator's license, including a license from another jurisdiction,  
2 except a province of the Dominion of Canada, bearing a photograph of the person.

3           b. Military discharge papers.

4           c. A U.S. government and military dependent identification card.

5           d. A valid photo identification card issued by Wisconsin or another jurisdiction,  
6 except a province of the Dominion of Canada, bearing a photograph of the person.

7           e. A marriage certificate or certified copy of judgment of divorce.

8           f. A social security card issued by the social security administration.

9           g. Any document described under subd. 6., if it bears a photograph of the person  
10 and was not used as proof of name and date of birth.

11           h. Department of homeland security/transportation security administration  
12 transportation worker identification credential.

13           6. In this paragraph, "proof of name and date of birth" means any of the  
14 following:

15           a. For a person born in Wisconsin, a copy of the person's Wisconsin birth  
16 certificate issued and certified in accordance with s. 69.21.

17           b. For a person born in another jurisdiction, other than a province of the  
18 Dominion of Canada, a certified copy of his or her birth certificate or the equivalent  
19 document from that other jurisdiction or a certificate of birth abroad issued by the  
20 federal department of state.

21           c. A U.S. passport.

22           d. A valid, unexpired passport issued by a foreign country with federal I-551  
23 resident alien registration receipt card or federal I-94 arrival and departure record  
24 that bears a photograph of the person and identifies the person's first and last names,  
25 and the person's day, month, and year of birth.

1 e. A Wisconsin operator's license bearing a photograph of the person.

2 f. A Wisconsin identification card issued under s. 343.50, bearing a photograph  
3 of the person, other than an identification card issued under s. 343.50 (1) (c) 2.

4 g. A federal I-551 "permanent resident alien registration receipt card."

5 h. A federal I-94 "parole edition" or "refugees version" arrival-departure  
6 record, together with a certification, on the department's form, by the person, of the  
7 person's name and date of birth, a copy of a federal department of state refugee data  
8 center reception and placement program assurance form and a letter from the  
9 person's sponsoring agency on its letterhead, supporting the person's application for  
10 a Wisconsin identification card or operator's license and confirming the person's  
11 identification. Applicants who are unable to provide a reception and placement  
12 program assurance form may be issued a Wisconsin identification card or operator's  
13 license, but only after their identification has been confirmed by the U.S. citizenship  
14 and immigration services.

15 i. A U.S. certificate of naturalization.

16 j. A certificate of U.S. citizenship.

17 k. A federal temporary resident card or employment authorization card, I-688,  
18 I-688A, I-688B, and I-766.

19 L. A Native American identification card that is issued by a federally  
20 recognized tribe or a band of a federally recognized tribe, is issued in Wisconsin,  
21 includes a photograph and signature or reproduction of a signature of the person, and  
22 has been approved by the secretary for use as identification.

23 m. A court order under seal related to the adoption or divorce of the individual  
24 or to a name or gender change that includes the person's current full legal name, date  
25 of birth, and, in the case of a name change or divorce order, the person's prior name.

1 n. An armed forces of the U.S. common access card or DD Form 2 identification  
2 card issued to military personnel.

3 o. Department of homeland security/transportation security administration  
4 transportation worker identification credential.

5 7. In this paragraph, “unavailable” means that the applicant does not have the  
6 document and would be required to pay a government agency to obtain it.

7 (c) The administrator may delegate to the deputy administrator or to a bureau  
8 director, as described in s. 15.02 (3) (c) 2., whose regular responsibilities include  
9 driver licensing and identification card issuance, the authority to accept or reject  
10 such extraordinary proof of name, date of birth, or U.S. citizenship under this  
11 subsection.

12 (e) The denial of a petition under par. (b) is subject to judicial review in the  
13 manner provided in ch. 227 for the review of administrative decisions.

14 (f) If the administrator, or delegate described in par. (c), determines that an  
15 applicant has knowingly made a false statement or knowingly concealed a material  
16 fact or otherwise committed a fraud in an application, petition, or additional  
17 information, the department shall immediately suspend the investigation, shall  
18 notify the person in writing of the suspension and the reason for the suspension, and  
19 refer any suspected fraud to law enforcement.

20 (g) A person whose petition is suspended or denied due to a failure to respond  
21 timely may revive the petition at any time by contacting the department to discuss  
22 the petition application. If a person revives a petition, the department shall  
23 immediately issue, and shall continue to reissue, an identification card receipt to the  
24 person as provided in s. 343.50 (1) (c) 2., except that the department shall first  
25 require the person to take a photograph if required under s. 343.50 (1) (c) 2.

1 (h) The department shall grant a petition if the department concludes, on the  
2 basis of secondary documentation or other corroborating information, that it is more  
3 likely than not that the name, date of birth, and U.S. citizenship provided in the  
4 application is correct.

5 **SECTION 183.** 343.50 (1) (c) of the statutes is renumbered 343.50 (1) (c) 1. and  
6 amended to read:

7 343.50 (1) (c) 1. The department may issue a receipt to any applicant for an  
8 identification card, and shall issue a receipt to an applicant requesting an  
9 identification card under sub. (5) (a) 3., which receipt shall constitute a temporary  
10 identification card while the application is being processed and shall be valid for a  
11 period not to exceed 60 days. If the application for an identification card is processed  
12 under the exception specified in s. 343.165 (7) or (8), the receipt shall include the  
13 marking specified in sub. (3) (b).

14 **SECTION 184.** 343.50 (1) (c) 2. of the statutes is created to read:

15 343.50 (1) (c) 2. If the department issues a receipt to an applicant petitioning  
16 the department under s. 343.165 (8), all of the following apply:

17 a. The department shall issue the receipt not later than the 6th working day  
18 after the person made the petition and shall deliver the receipt by 1st class mail,  
19 except that if a petition is filed or revived within 7 days before or 2 days after a  
20 statewide election the department shall issue a receipt not later than 24 hours after  
21 the petition is filed or revived and shall deliver the receipt by overnight or next-day  
22 mail. The department shall issue a new receipt to the person not later than 10 days  
23 before the expiration date of the prior receipt, and having a date of issuance that is  
24 the same as the expiration date of the prior receipt. The department shall issue no  
25 receipt to a person after the denial of a petition under s. 343.165 (8), unless the person



**SECTION 184**

1 revives an investigation. The department shall continue to reissue identification  
2 card receipts to a person unless the department cancels the identification card  
3 receipt upon the circumstances specified in sub. (10), upon the issuance of an  
4 operator's license or identification card to the person, upon the person's request,  
5 upon the denial of the application, upon return to the department of a receipt as  
6 nondeliverable, upon the person's failure to contact the department to discuss the  
7 petition for a period of 180 days or more, or whenever the department receives  
8 information that prohibits issuance of an identification card under sub. (1) (c). The  
9 department shall require the person to take a photograph prior to reissuing an  
10 identification card receipt if the photograph of the person on file with the department  
11 is 8 or more years old.

12       b. An identification card receipt issued under this subdivision shall constitute  
13 a temporary identification card while the application is being processed under s.  
14 343.165 (8) and shall be valid for a period not to exceed the period specified in sub.  
15 (1) (c). The department shall clearly mark the receipt "FOR VOTING PURPOSES  
16 ONLY" as validated for use for voting as provided in ss. 5.02 (6m) (d) and 6.79 (2) (a).  
17 A receipt issued under this subsection shall contain the information specified under  
18 s. 343.17 (3), including the date of issuance, the expiration date, the name and  
19 signature of the person to whom it was issued, and, except as authorized in sub. (4g),  
20 a photograph of the individual to whom it was issued, and may contain such further  
21 information as the department deems necessary.

22       c. The department shall issue a replacement identification card receipt under  
23 subd 1. a. upon request of the person to whom it is issued if the receipt is lost or  
24 destroyed.

1       d. Notwithstanding subd. 2. a., the department shall cancel or refuse to issue  
2       an identification card receipt under this subsection upon the circumstances specified  
3       in sub. (10), upon the issuance of an operator's license or identification card to the  
4       person, upon the person's request, upon the denial of the application, upon return to  
5       the department of a receipt as nondeliverable, or whenever the department receives  
6       information that prohibits issuance of an identification card under subd. 1.

7       e. Whenever any person, after receiving an identification card receipt under  
8       this subdivision, moves from the address named in the application or in the receipt  
9       issued to him or her or is notified by the local authorities or by the postal authorities  
10      that the address so named has been changed, the person shall, within 30 days, notify  
11      the department of his or her change of address. Upon receiving a notice of change of  
12      address, the department shall promptly issue a new receipt under subd. 2. a. showing  
13      the correct address and having the expiration date of the prior receipt.

14      **SECTION 185.** 343.50 (3) (b) of the statutes is amended to read:

15      343.50 (3) (b) If an identification card is issued based upon the exception  
16      specified in s. 343.165 (7) or (8), the card shall, in addition to any other required  
17      legend or design, be of the design specified under s. 343.17 (3) (a) 14. and include a  
18      marking similar or identical to the marking described in s. 343.03 (3r).

19      **SECTION 186.** 343.50 (3) (c) of the statutes is created to read:

20      343.50 (3) (c) 1. Notwithstanding par. (a), the department may issue an  
21      identification card bearing a name other than the name that appears on a supporting  
22      document if the person provides evidence acceptable to the department that the  
23      person has used the name in a manner that qualifies the name as being legally  
24      changed under the common law of Wisconsin, including evidence of the person's prior  
25      name, changed name, the length of time the person has consistently and

1 continuously used the changed name, an affirmation that the person no longer uses  
2 the prior name, and an affirmation that the person did not change his or her name  
3 for a dishonest or fraudulent purpose or to the injury of any other person. The  
4 department shall mark an identification card issued under this subdivision in the  
5 manner described in s. 343.03 (3r).

6 2. Notwithstanding par. (a), the department shall approve a name change  
7 requested by a person who cannot provide supporting documentation of a lawful  
8 change of name but who does one of the following:

9 a. Provides proof of identity in the new name, and the department receives from  
10 the federal social security administration evidence or confirmation of the name  
11 change.

12 b. Applies for an identification card and provides an affidavit declaring all facts  
13 required under subd. 1. to prove a name change under the common law of Wisconsin.

14 **SECTION 187.** 601.83 (1) (a) of the statutes, as created by 2017 Wisconsin Act  
15 138, is amended to read:

16 601.83 (1) (a) ~~Subject to par. (b), the~~ The commissioner shall administer a  
17 state-based reinsurance program known as the healthcare stability plan in  
18 accordance with the specific terms and conditions approved by the federal  
19 department of health and human services dated July 29, 2018. Before December 31,  
20 2023, the commissioner may not request from the federal department of health and  
21 human services a modification, suspension, withdrawal, or termination of the waiver  
22 under 42 USC 18052 under which the healthcare stability plan under this  
23 subchapter operates unless legislation has been enacted specifically directing the  
24 modification, suspension, withdrawal, or termination. Before December 31, 2023,  
25 the commissioner may request renewal, without substantive change, of the waiver

1 under 42 USC 18052 under which the health care stability plan operates in  
2 accordance with s. 20.940 (4) unless legislation has been enacted that is contrary to  
3 such a renewal request. The commissioner shall comply with applicable timing in  
4 and requirements of s. 20.940.

5 **SECTION 188.** 601.83 (1) (b) of the statutes, as created by 2017 Wisconsin Act  
6 138, is repealed.

7 **SECTION 189.** 601.83 (1) (g) of the statutes, as created by 2017 Wisconsin Act  
8 138, is amended to read:

9 601.83 (1) (g) The commissioner may promulgate any rules necessary to  
10 implement the healthcare stability plan under this section, except that any rules  
11 promulgated under this paragraph shall seek to maximize federal funding for the  
12 healthcare stability plan and shall comply with this section and with the approval  
13 by the federal department of health and human services dated July 29, 2018. The  
14 commissioner may promulgate rules necessary to implement this section as  
15 emergency rules under s. 227.24. Notwithstanding s. 227.24 (1) (a) and (3), the  
16 commissioner is not required to provide evidence that promulgating a rule under this  
17 paragraph as an emergency rule is necessary for the preservation of the public peace,  
18 health, safety, or welfare and is not required to provide a finding of emergency for a  
19 rule promulgated under this paragraph. An emergency rule promulgated by the  
20 commissioner under this paragraph before January 1, 2019, remains in effect until  
21 it is superseded by a subsequent permanent rule.

22 **SECTION 190.** 601.83 (1) (h) of the statutes, as created by 2017 Wisconsin Act  
23 138, is amended to read:

24 601.83 (1) (h) In 2019 and in each subsequent year, the commissioner may  
25 expend no more than \$200,000,000 from all revenue sources for the healthcare

**SECTION 190**

1 stability plan under this section, unless the joint committee on finance under s. 13.10  
2 has increased this amount upon request by the commissioner. The commissioner  
3 shall ensure that sufficient funds are available for the healthcare stability plan  
4 under this section to operate as described in the approval of the federal department  
5 of health and human services dated July 29, 2018.

6 **SECTION 191.** 601.83 (1) (i) of the statutes is created to read:

7 601.83 (1) (i) The commissioner shall complete and submit any reports, provide  
8 any information, and participate in any oversight activities required by the federal  
9 department of health and human services to implement and maintain the healthcare  
10 stability plan under this subchapter.

11 **SECTION 192.** 601.85 (4) of the statutes, as created by 2017 Wisconsin Act 138,  
12 is repealed.

13 **SECTION 193.** 801.50 (3) (b) of the statutes is amended to read:

14 801.50 (3) (b) All actions relating to the validity or invalidity of a rule or  
15 guidance document shall be venued as provided in s. 227.40 (1).

16 **SECTION 194.** 803.09 (2m) of the statutes is created to read:

17 803.09 (2m) When a party to an action challenges in state or federal court the  
18 constitutionality of a statute, facially or as applied, or challenges a statute as  
19 violating or preempted by federal law, as part of a claim or affirmative defense, the  
20 assembly, the senate, and the state legislature may intervene at any time in the  
21 action as a matter of right by serving a motion upon the parties as provided in s.  
22 801.14.

23 **SECTION 195.** 806.04 (11) of the statutes is amended to read:

24 806.04 (11) PARTIES. When declaratory relief is sought, all persons shall be  
25 made parties who have or claim any interest which would be affected by the

1 declaration, and no declaration may prejudice the right of persons not parties to the  
2 proceeding. In any proceeding which involves the validity of a municipal ordinance  
3 or franchise, the municipality shall be made a party, and shall be entitled to be heard.  
4 If a statute, ordinance or franchise is alleged to be unconstitutional, or to be in  
5 violation of or preempted by federal law, the attorney general shall also be served  
6 with a copy of the proceeding and, except as provided under this subsection, be  
7 entitled to be heard. If a statute is alleged to be unconstitutional, or to be in violation  
8 of or preempted by federal law, the speaker of the assembly, the president of the  
9 senate, and the senate majority leader shall also be served with a copy of the  
10 proceeding, and the assembly, the senate, and the state legislature are entitled to be  
11 heard. If the assembly, the senate, or the joint committee on legislative organization  
12 intervenes as provided under s. 803.09 (2m), the assembly shall represent the  
13 assembly, the senate shall represent the senate, and the joint committee on  
14 legislative organization shall represent the state. In an action involving the  
15 constitutionality of a statute, or challenging a statute as violating or preempted by  
16 federal law, if the joint committee on legislative organization determines at any time  
17 that the interests of the state will be best represented by special counsel appointed  
18 by the legislature, it shall appoint special counsel to represent state defendants and  
19 act instead of the attorney general and the attorney general may not participate in  
20 the action. Special counsel appointed under this subsection shall have the powers  
21 of the attorney general with respect to the litigation to which special counsel has been  
22 appointed. In any proceeding under this section in which the constitutionality,  
23 construction or application of any provision of ch. 227, or of any statute allowing a  
24 legislative committee to suspend, or to delay or prevent the adoption of, a rule as  
25 defined in s. 227.01 (13) is placed in issue by the parties, the joint committee for

**SECTION 195**

1 review of administrative rules shall be served with a copy of the petition and, with  
2 the approval of the joint committee on legislative organization, shall be made a party  
3 and be entitled to be heard. ~~In any proceeding under this section in which the~~  
4 ~~constitutionality, construction or application of any provision of ch. 13, 20, 111, 227~~  
5 ~~or 230 or subch. I, III or IV of ch. 16 or s. 753.075, or of any statute allowing a~~  
6 ~~legislative committee to suspend, or to delay or prevent the adoption of, a rule as~~  
7 ~~defined in s. 227.01 (13) is placed in issue by the parties, the joint committee on~~  
8 ~~legislative organization shall be served with a copy of the petition and the joint~~  
9 ~~committee on legislative organization, the senate committee on organization or the~~  
10 ~~assembly committee on organization may intervene as a party to the proceedings and~~  
11 ~~be heard.~~

12 **SECTION 196.** 809.13 of the statutes is amended to read:

13 **809.13 Rule (Intervention).** A person who is not a party to an appeal may  
14 file in the court of appeals a petition to intervene in the appeal. A party may file a  
15 response to the petition within 11 days after service of the petition. The court may  
16 grant the petition upon a showing that the petitioner's interest meets the  
17 requirements of s. 803.09 (1) ~~or~~, (2), or (2m).

18 **SECTION 197.** Subchapter VIII (title) of chapter 893 [precedes 893.80] of the  
19 statutes is amended to read:

20 **CHAPTER 893**

21 **SUBCHAPTER VIII**

22 **CLAIMS AGAINST GOVERNMENTAL**

23 **BODIES, OFFICERS AND EMPLOYEES;**

24 **ACTIONS ALLEGING A STATUTE IS**

UNCONSTITUTIONAL OROTHERWISE INVALID

**SECTION 198.** 893.825 of the statutes is created to read:

**893.825 Actions alleging a statute is unconstitutional or in violation of or preempted by federal law. (1)** In an action in which a statute is alleged to be unconstitutional, or to be in violation of or preempted by federal law, the attorney general shall be served with a copy of the proceeding and, except as provided in sub. (2), is entitled to represent the state and be heard.

**(2)** In an action in which a statute is alleged to be unconstitutional, or to be in violation of or preempted by federal law, the speaker of the assembly, the president of the senate, and the senate majority leader shall also be served with a copy of the proceeding and the assembly, the senate, and the joint committee on legislative organization are entitled to be heard.

**SECTION 199.** 2017 Wisconsin Act 59, section 9145 (4w) is repealed.

**SECTION 200. Nonstatutory provisions.**

**(1) REQUIREMENTS FOR EXISTING CHILDLESS ADULTS MEDICAL ASSISTANCE RECIPIENTS.** Notwithstanding the requirement in s. 49.45 (23b) to begin as soon as practicable after October 31, 2018, all of the following apply to the demonstration project under s. 49.45 (23) and (23b):

**(a)** The 48-month eligibility period for current recipients of Medical Assistance under s. 49.45 (23) who are not participating in an activity that qualifies as a community engagement activity begins no sooner than October 31, 2019, or no sooner than the first of the month when the eligibility of a recipient has been established, if all beneficiaries who will be subject to the community engagement activity requirement have been adequately notified.



1 (b) The requirement for current recipients of Medical Assistance under s. 49.45  
2 (23) to complete a health risk assessment applies no sooner than October 31, 2019.

3 (2) IMPLEMENTATION OF CHILDLESS ADULT DEMONSTRATION PROJECT.

4 (a) The department of health services shall implement the childless adults  
5 demonstration project reforms in accordance with s. 49.45 (23b) by no later than  
6 November 1, 2019. If the department of health services is unable to fully implement  
7 the project reforms by November 1, 2019, the department may request from the joint  
8 committee on finance an extension not to exceed 90 days in a written submission that  
9 includes a report on the progress toward implementation of the project and the  
10 reason an extension is needed. If the cochairpersons of the joint committee on finance  
11 do not notify the department of health services within 14 working days after the date  
12 of the request for an extension under this paragraph that the committee has  
13 scheduled a meeting for the purpose of reviewing the extension request, the  
14 extension is considered granted. If, within 14 working days after the date of the  
15 request for an extension under this paragraph, the cochairpersons of the committee  
16 notify the department of health services that the committee has scheduled a meeting  
17 for the purpose of reviewing the extension request, the department may consider the  
18 extension granted only upon approval by the committee. The department of health  
19 services may request additional extensions under the procedure under this  
20 paragraph.

21 (b) If the joint committee on finance determines that the department of health  
22 services has not complied with the deadline under par. (a), has not made sufficient  
23 progress in implementing s. 49.45 (23b), or has not complied with s. 20.940 (3) (c) in  
24 relation to the implementation of s. 49.45 (23b), the joint committee on finance may  
25 reduce from moneys allocated for state operations or administrative functions the

1 department of health services's appropriation or expenditure authority, whichever  
2 is applicable, or change the authorized level of full-time equivalent positions for the  
3 department of health services related to the Medical Assistance program. The  
4 procedures under s. 13.10 do not apply to this paragraph.

5 (3) WISCONSIN HEALTHCARE STABILITY PLAN 2019 PAYMENT PARAMETERS.  
6 Notwithstanding 2017 Wisconsin Act 138, SECTION 11 (1), for the 2019 benefit year,  
7 the commissioner of insurance shall set as payment parameters for the healthcare  
8 stability plan under subch. VII of ch. 601 an attachment point of \$50,000, a  
9 coinsurance rate of 50 percent, and a reinsurance cap of \$250,000. The commissioner  
10 of insurance may not adjust the payment parameters for the 2019 benefit year.

11 (4) DRUG TESTING AND TREATMENT IMPLEMENTATION DEADLINE. The department  
12 of health services shall implement the substance abuse screening, testing, and  
13 treatment under s. 49.791 by no later than October 1, 2019, and before  
14 implementation shall comply with s. 20.940 (3) (c) as if the screening, testing, and  
15 treatment under s. 49.791 is a request approved on the effective date of this  
16 subsection.

17 (5) REQUESTS FOR APPROPRIATION TRANSFERS. During the 2018-19 fiscal year, the  
18 department of workforce development may submit to the joint committee on finance  
19 one or more requests to transfer moneys from the appropriation account under s.  
20 20.445 (1) (b) to the appropriation accounts under s. 20.445 (1) (dg) and (e) for the  
21 purpose of funding the grant programs under ss. 106.13 (3m) and 106.272. If the  
22 committee approves a request in whole or in part, the committee may transfer  
23 moneys without making any of the findings required under s. 13.101 (4).

24 (6) INTERVENTION BY ASSEMBLY, SENATE, AND JOINT COMMITTEE ON LEGISLATIVE  
25 ORGANIZATION. The assembly, senate, and joint committee on legislative organization

1 may intervene as permitted under s. 803.09 (2m) in any litigation pending in state  
2 or federal court on the effective date of this subsection. If the joint committee on  
3 legislative organization intervenes and appoints special counsel to represent state  
4 defendants as set forth under s. 806.04 (11) or 893.825, the attorney general shall  
5 notify the court of the substitution of counsel by special counsel appointed by the joint  
6 committee on legislative organization to represent the state defendants and may not  
7 participate in the action.

8 (7) WEDC; STAGGERING OF INITIAL TERMS. Notwithstanding the length of terms  
9 specified for the members of the board of directors of the Wisconsin Economic  
10 Development Corporation under s. 238.02 (1), the initial members appointed by the  
11 speaker and minority leader of the assembly and the majority leader and minority  
12 leader of the senate beginning on the effective date of this subsection shall be  
13 appointed for terms expiring as follows:

14 (a) The terms of 2 members appointed by the speaker of the assembly and 2  
15 members appointed by the senate majority leader shall expire on October 1, 2020.

16 (b) The terms of 2 members appointed by the speaker of the assembly, the  
17 member appointed by the assembly minority leader, 2 members appointed by the  
18 senate majority leader, and the member appointed by the senate minority leader,  
19 shall expire on October 1, 2022.

20 (c) The terms of one member appointed by the speaker of the assembly and one  
21 member appointed by the senate majority leader shall expire on October 1, 2024.

22 (8) WEDC; CURRENT BOARD MEMBERS. The members of the board of directors of  
23 the Wisconsin Economic Development Corporation serving at the pleasure of the  
24 speaker of the assembly and senate majority leader on the day before the effective  
25 date of this subsection shall continue to serve at pleasure pending the appointment

1 of members under sub. (7), but may not serve after January 6, 2019, unless appointed  
2 under sub. (7).

3 (9) INDIVIDUAL INCOME TAX RATES. The secretary of administration shall exclude  
4 from the calculation under s. 16.518 (2) all additional revenue deposited in the  
5 general fund in the 2018-19 fiscal year that is attributable to an increase in the sales  
6 and use taxes reported under s. 73.03 (71), as determined by the secretary of  
7 administration in consultation with the department of revenue.

8 **SECTION 201. Fiscal changes.**

9 (1) SETTLEMENT FUNDS. Notwithstanding s. 20.001 (3) (c), from the  
10 appropriation account under s. 20.455 (3) (g), on the effective date of this subsection,  
11 there is lapsed to the general fund the unencumbered balance of any settlement  
12 funds in that appropriation account, as determined by the attorney general.

13 (2) OFFICE OF SOLICITOR GENERAL POSITIONS. In the schedule under s. 20.005 (3)  
14 for the appropriation to the department of justice under s. 20.455 (1) (gh), the dollar  
15 amount for fiscal year 2018-19 is decreased by \$320,000 to decrease the authorized  
16 FTE positions for the department by 1.0 PR solicitor general position and 3.0 PR  
17 deputy solicitor general positions on January 1, 2019.

18 (3) WORKFORCE DEVELOPMENT; WORKFORCE TRAINING APPROPRIATION DECREASE. In  
19 the schedule under s. 20.005 (3) for the appropriation to the department of workforce  
20 development under s. 20.445 (1) (b), the dollar amount for fiscal year 2018-19 is  
21 decreased by \$7,345,900.

22 (4) DEPARTMENT OF JUSTICE GIFTS AND GRANTS. Notwithstanding s. 20.001 (2) (b),  
23 any moneys encumbered under the appropriation accounts under s. 20.455 (2) (gb)  
24 and (3) (g) before the effective date of this subsection may be expended pursuant to  
25 the terms of the encumbrance.

**SECTION 202. Initial applicability.**

(1) AGENCY PUBLICATIONS. The treatment of s. 227.05 with respect to printed publications first applies to guidance documents, forms, pamphlets, or other informational materials that are printed 60 days after the effective date of this subsection.

(2) GROUP INSURANCE BOARD. The treatment of s. 15.07 (1) (b) 24. first applies to a member of the group insurance board who is appointed by the governor on the effective date of this subsection.

(3) GUBERNATORIAL APPROVALS OF PROPOSED RULES. The treatment of ss. 227.135 (3), 227.185, and 227.24 (1) (e) 1d. and 1g., the renumbering and amendment of s. 227.135 (2), and the creation of s. 227.135 (2) (a) 2. first apply to a proposed rule or emergency rule whose statement of scope is submitted to the legislative reference bureau for publication under s. 227.135 (3) on the effective date of this subsection.

(4) FINAL DECISIONS IN CONTESTED CASES. The treatment of ss. 227.46 (1) (h), (2), (2m), (3) (a) and (8) and 227.47 (1) and (3) first applies to requests for hearings made on the effective date of this subsection.

(5) PASS-THROUGH ENTITIES. The treatment of ss. 71.05 (6) (a) 14. and (10) (dm), 71.07 (7) (c), 71.21 (6), 71.36 (1), 71.365 (4m), and 71.775 (3) (a) 4., the renumbering and amendment of ss. 71.07 (7) (b) and 71.365 (1), and the creation of ss. 71.07 (7) (b) 3. and 71.365 (1) (b) first apply to taxable years beginning on January 1, 2019, except that the treatment of ss. 71.05 (6) (a) 14. and (10) (dm), 71.07 (7) (c), 71.21 (6), 71.36 (1), 71.365 (4m), and 71.775 (3) (a) 4., the renumbering and amendment of ss. 71.07 (7) (b) and 71.365 (1), and the creation of ss. 71.07 (7) (b) 3. and 71.365 (1) (b) first apply to taxable years beginning on January 1, 2018, for tax-option corporations.

(6) REQUIREMENTS FOR HIGHWAY PROJECTS. The treatment of ss. 84.54 and 86.51 first applies to projects let and aid disbursed on the effective date of this subsection.

**SECTION 203. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) HIGHWAY FUNDING TRANSFERS. The treatment of s. 20.395 (2) (fq) and SECTION 199 of this act take effect on July 1, 2019.

(2) REQUIREMENTS FOR HIGHWAY PROJECTS. The treatment of ss. 84.54 and 86.51 and SECTION 202 (6) of this act take effect on July 1, 2019.

(3) AGENCY PUBLICATIONS. The treatment of s. 227.05 and SECTION 202 (1) takes effect on the first day of the 7th month beginning after publication.

(4) WISCONSIN HEALTHCARE STABILITY PLAN. The treatment of s. 601.85 (4) takes effect on December 31, 2018.

**(END)**